IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21407 of 2004

Between:

M/s.Vaddigiri Factory Automation Pvt., Ltd., Plot No.9/4, Road No.5, I.D.A. Nacharam, Hyderabad-500076. rep.by its Chairman & Manging Director, Mr.V.Siddappa

..... PETITIONER

AND

1 The Employees Provident Fund Organisation, The Regional office,

Barakatpura, Hyderabad, rep.by its Regional Provident Fund

Commissioner.
2 The Assistant Provident Fund Commissioner, The Employees Provident

Fund Organisation, Barakatpura,
Hyderabad.
3 The Branch Manager, State Bank of Hyderabad, Habsiguda Branch,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue suitable direction, order or a writ particularly one in the nature of Mandamus and to declare that the provisions of P.F. Act are not applicable to the petitioner and consequently to set aside the order passed by the 2nd respondent U/s. 7-A of E.P.F. Act bearing No.AP/37205/ENF.C.II/T8/2004/1340 dated 28-10-2004 as illegal and arbitrary in the interest of justice and equity.

Counsel for the Petitioner: MR. C. NIRANJAN RAO

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of admission made the following:

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ORDER:

Questioning the order No.AP/37205/ENF.C.II/T8/2004/1340, dated 28.10.2004 passed by the 2nd respondent-Assistant Provident Fund Commissioner under Section 7-A of Employees Provident Funds and Miscellaneous Provisions Act 1952 (for short 'the Act'), determining a sum of Rs.2,87,010/- from the petitioner-Company for the period from 5/2000 to 9/2004 towards dues of employees' share of Provident Fund, the present writ petition is filed.

Heard the learned counsel for the petitioner-Company and learned Standing Counsel for the respondents.

It is represented by learned counsel for the petitioner-Company that the petitioner-Company has preferred an appeal against the notice dated 24.07.2003 before the Provident Fund Appellate Tribunal, New Delhi under Section 7(I) of the Act to declare that the petitioner's unit is not covered under the provisions of the P.F. Act and while the said appeal is pending the 2nd respondent has issued the order, impugned herein.

Having regard to the fact that the petitioner-Company has preferred an appeal against the notice dated 24.07.2003 before the Provident Fund Appellate Tribunal, New Delhi under Section 7(I) of the Act, which is still pending, I deem it appropriate

to dispose of the writ petition with a direction to the respondents 1 and 2 not to take any coercive steps to implement the impugned order pending disposal of the appeal preferred by the petitioner, on condition of petitioner depositing 50% of the amount demanded in the impugned order within six weeks from today.

Subject to above observation, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 23.11.2004

Nsr/Asp

To

1 The Regional Provident Fund Commissioner, The Employees Provident

Fund Organisation, Regional office,

Barakatpura, Hyderabad,

2 The Assistant Provident Fund Commissioner, The Employees Provident

Fund Organisation, Barakatpura,
Hyderabad.

3 The Branch Manager, State Bank of Hyderabad, Habsiguda Branch,

Hyderabad.

4 Two CD copies.